



# California Regional Water Quality Control Board

## San Diego Region



Gray Davis  
Governor

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb9/>  
9771 Clairemont Mesa Boulevard, Suite A, San Diego, California 92124-1324  
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January 25, 2001

### IN THE MATTER OF

North Plaza LLC  
NPDES General Permit No. CAS000002,  
SWRCB Order 99-08  
Subject Site: North Plaza  
29400 Rancho California Road  
Temecula, CA 92591

### NOTICE OF VIOLATION NO. 2001-18, Request for Information

WDID NO.  
9 33S313938

### YOU ARE HEREBY NOTIFIED THAT:

You are in violation of waste discharge requirements contained in State Water Resources Control Board (SWRCB) Order No. 99-08-DWQ, of the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. Such violation subjects you to possible enforcement action by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative or judicial proceedings for the assessment of civil liability in amounts of up to \$25,000 per day; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

The violations referred to in this Notice of Violation were observed during a staff inspection of the subject site, located in the municipality of Temecula, on January 11, 2001.

#### ▪ Summary of Violations

#### I. FAILURE TO PROHIBIT ILLICIT/ILLEGAL DISCHARGES

You failed to prohibit discharges of sediment to the municipal separate storm sewer system (MS4) or waters of the United States through the implementation of appropriate Best Management Practices (BMPs) in violation of Discharge Prohibition A.2 of Order No. 99-08-DWQ.

On January 11, 2001, after a significant rain event, Regional Board staff observed and documented the lack of erosion control BMPs and the failure of sediment control BMPs in preventing sediment from leaving the subject site and discharging into the MS4. Evidence of sediment discharge off-site was noted on the site perimeter bordering I-15. (see attached photos).

#### II. FAILURE TO IMPLEMENT / MAINTAIN BMPs

California Environmental Protection Agency

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You failed to implement temporary erosion control measures to stabilize exposed areas during the rainy season, including either mechanisms for holding the soil in place or secondary mechanisms for sediment containment near the edge of the final grade (ORDER NO. 99-08, "SWPPP" SECTION A.6).

On January 11, 2001, Regional Board staff observed and documented that the subject site had no temporary erosion controls in place to stabilize exposed surfaces. Major erosion was noted on slopes within the boundaries of the subject site. Staff also observed the failure of sediment control BMPs to retain sediment laden runoff onsite, which resulted in a discharge of pollutants to the MS4 (see attached photos).

▪ **Request for Information**

Pursuant to California Water Code (CWC) section 13267 & 13383, the San Diego Regional Water Quality Control Board (SDRWQCD) directs you to submit a detailed report containing the following information with regards to the subject site by February 16, 2001:

- a) A detailed technical report describing what immediate steps were taken to minimize further site violations, including the structural and non-structural BMPs selected to stabilize all exposed areas including all disturbed slopes and flat surfaces.
- b) A copy of the amended SWPPP (SECTION A4 of the General Permit). The amended SWPPP shall reflect all changes necessary to correct the attached violations and include all items in SECTION A of the General Permit.

The submitted report shall include the following signed certification:

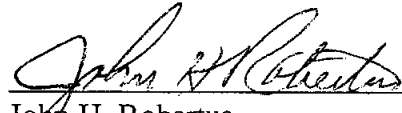
*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to CWC sections 13268 and 13385. Questions pertaining to the issuance of this Notice of Violation and Request for Information should be directed to Christopher Means at 858-637-5581. If you feel you received this Notice in error or need

January 25, 2001

clarification on any of the above violations please contact our office immediately. Written correspondence pertaining to this Notice should be directed to the following address:

John H. Robertus  
Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
9771 Clairemont Mesa Boulevard, Suite A  
San Diego, CA 92124-1324

  
\_\_\_\_\_  
John H. Robertus  
Executive Officer

1-25-2001  
\_\_\_\_\_  
DATE

CERTIFIED MAIL NO. Z 068 636 730 (RETURN RECEIPT REQUESTED)

Enclosure: Copy of Inspection Report and photos

CC: U.S. Environmental Protection Agency, Steve Fuller  
City of Temecula, John Pourkazemi  
Csaba Ko, Development Consultant

File No. 10-3013938.02

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*California Environmental Protection Agency*